

# Notice of Allowability

Application No.

10/785,514

Applicant(s)

POWERS, THOMAS A.

Examiner

Jimmy T. Nguyen

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8/9/05.
2. ☒ The allowed claim(s) is/are 1,2,6-9 and 12-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other

  
DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

*Allowable Subject Matter*

Claims 1-2, 6-9, and 12-19 are allowed.

Claim 1 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a side seal strapping machine comprising: a carriage is mounted to a frame by a linear bearing mounted to a shaft, and *the carriage being biasedly mounted to the frame by a spring disposed about the shaft*, in combination with the rest of the claimed limitations.

Claim 6 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a side seal strapping machine comprising: a strap chute having a movable bottom chute section and a movable lower head-side chute section adjacent a sealing head, the movable lower head-side chute section being moveable with a carriage, and *the movable lower head side chute section and the movable bottom chute section being hingedly connected to one another for cooperative movement*, in combination with the rest of the claimed limitations.

Claim 9 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a strapping machine comprising: a sealing head and a feed head *slidingly* mounted to a frame by a bearing mounted to a shaft, *the sealing head and the feed head being biasedly mounted to the frame by a spring*, in combination with the rest of the claimed limitations.

Claim 14 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a strapping machine comprising: a strap chute operably mounted to a frame, the strap chute including a bottom chute section, and wherein the strap chute

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includes *a passive debris ejection system including generally downwardly oriented openings formed in the bottom chute section*, in combination with the rest of the claimed limitations.

The patent to Fulton et al. (US 4,254,703) fails to disclose the carriage is biasedly mounted to the frame by a spring. Fulton discloses the biasing means is a float cylinder (187), the float cylinder is operably communicated/connected with other hydraulic systems in the strapping machine (fig. 8) in order for the float cylinder to work. It is not obvious for one skill in the art to replace the float cylinder with a spring because such modification would damage other operations in the machine.

Additionally, the patent to Fulton et al. also fails to disclose the movable bottom chute section (41) and the movable lower head-side chute section (39) being hingedly connected to one another for cooperative movement. One skill in the art would not connect them together because such connectivity would prevent the moveable bottom chute section from sliding out of the pallet (P).

None of the cited references, by themselves or in combination with the other prior art, teaches the invention as claimed in claims 1, 6, 9, and 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

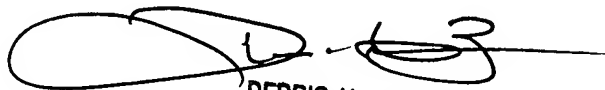
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen  
September 21, 2005



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